

May 7, 2019

CENTRAL MAINE POWER COMPANY
Request for Approval of CPCN for the
New England Clean Energy Connect
Consisting of the Construction of a 1,200 MW
HVDC Transmission Line from the Québec-Maine
Border to Lewiston (NECEC)
and Related Network Upgrades

NOTICE OF APPEAL
AND STATEMENT OF
THE ISSUES ON APPEAL

Pursuant to 35-A M.R.S. § 1320 and Maine Rules of Appellate Procedure 22, notice is hereby given that NextEra Energy Resources, LLC (“NextEra”) appeal the Order Granting Certificate of Public Convenience and Necessity and Approving Stipulation of the Maine Public Utilities Commission (“MPUC” or “Commission”) issued in MPUC Docket No. 2017-00232 on May 3, 2019, which granted Central Maine Power Company (“CMP”) a certificate of public convenience and necessity (“CPCN”) to construct an approximately 145-mile, high-voltage direct current (“HVDC”) transmission line capable of delivering 1,200 megawatts (“MWs”) from the Québec-Maine border to Lewiston, Maine, along with transmission upgrades and equipment replacements, known as the New England Clean Energy Connect Project (collectively “the Project” or “NECEC”).

I. BRIEF STATEMENT OF THE NATURE OF THE PROCEEDINGS

On September 27, 2017, CMP filed a petition seeking a CPCN to construct and operate NECEC (the “Petition”). After discovery, technical conferences, public input hearings, evidentiary hearings, briefing, the issuance of a Hearing Examiners’ Report, and public deliberations, the Commission issued its Order Granting Certificate of Public Convenience and Necessity and Approving Stipulation on May 3, 2019 granting CMP a CPCN for NECEC (the

“Order”). In the Order, the Commission based its conclusion on a finding that the prospective benefits of NECEC outweighed the adverse impacts and costs of the Project.

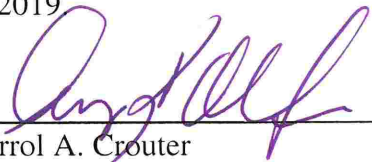
II. STATEMENT OF THE GROUNDS UPON WHICH THE ORDER IS CLAIMED TO BE UNLAWFUL

The Commission’s Order granting CMP a CPCN for NECEC was not supported by substantial evidence, contrary to the law, arbitrary, capricious, and an abuse of discretion, for, but not limited to, the following reasons:

1. The Commission failed to require CMP comply with then-applicable 35-A M.R.S.A. § 3132(2-C)(C) (2013), *repealed by* P.L. 2017, ch. 201, § 3 (effective Nov. 1, 2017), which required CMP’s Petition include the results of an independent, third-party investigation into the use of non-transmission alternatives;
2. The Commission failed to apply the plain and unambiguous language of 35-A M.R.S.A. § 3132(6) (2018), and, instead, applied a balancing test to justify the granting of the CPCN;
3. The Commission failed to apply 65-407 C.M.R. ch. 330, § 9(B) (2012), which requires the Commission consider whether the proposed transmission line is reasonable compared to the other alternatives;
4. The Commission’s conclusion that NECEC will provide benefits to Maine is not supported by substantial evidence;
5. Although the Commission correctly found that NECEC posed a detrimental impact to scenic and recreational values, it erred as a matter of law when it deferred to other state agencies, such as the Maine Department of Environmental Protection, on the consideration of mitigation for these impacts; and
6. The Commission erred as a matter of law that the stipulation filed in this proceeding was supported by a broad spectrum of interests and is legally enforceable as against non-parties.

In accordance with 35-A M.R.S. §1320(4), a copy of the Order appealed from is attached hereto.

Respectfully submitted on this 7th day of May, 2019



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